

INTEGRATING ENVIRONMENTAL CONSIDERATIONS INTO DISASTER MITIGATION, PLANNING, AND RECOVERY



A Pocket Guide For Environmental Compliance

FEDERAL EMERGENCY MANAGEMENT AGENCY



Integrating Environmental Considerations Into Disaster Mitigation, Planning and Recovery

FEMA's Environmental Program

FEMA's "environmental program" is not really a program, by the traditional definition of a program. It's a network of people within FEMA offices and programs that ensure environmental considerations are integrated properly into decision-making.

FEMA ensures that actions directly implemented by us during the recovery phases following a disaster and our non-federal sub-grantees use all practical means to integrate environmental concerns into disaster mitigation, planning and recovery decision-making. The environmental program achieves this by collaboratively working with our hazard mitigation, disaster response and recovery partners at the Federal, State and local level. Our goal is to efficiently and effectively deliver our programs in a manner that also achieves the objectives of protecting, restoring, and enhancing the environmental quality and community sustainability.

Why Does Environment Matter?



Your community is your environment. It is a place where you live, work, and play. Thus, the environment directly affects the livability of your community.

Our environment encompasses three critical components: (1) physical; (2) biological; and (3) the social and built. The physical environment includes geology and soils, climate, and air and water resources. Biological resources

include living organisms such as wildlife and plants. The social and built environment takes into account our presence on Earth, the quality of life of all humans – our homes, individual respective cultures, health, infrastructure, and how we treat it. Life on Earth can be sustained through the interaction of all three aspects.

In recovering from a disaster, we want to make sure that we don't adversely impact the environment any further than the disaster has already done. As a matter of fact, where possible, we should try to enhance it.

What does environmental compliance mean for state and local governments and non-profit organizations?

Any action that FEMA directly carries out or provides any funding or assistance toward must be reviewed by FEMA for compliance with applicable environmental laws and Executive Orders. In other words, any State or local government agency or non-profit entity that intends to seek FEMA funding or assistance, must coordinate with FEMA to ensure that all appropriate environmental considerations and requirements are taken into account and properly documented.

The key necessity in nearly all cases is that this coordination takes place BEFORE the action is implemented. If you are now or think you may potentially be a recipient of FEMA assistance for a Presidentially Declared disaster, FEMA's Project Impact, Flood Mitigation Assistance, or other forms of financial assistance please contact the point of reference for the appropriate program and request information on environmental requirements.

This booklet was written for local governments that may be applying for Federal assistance. Please remember that assistance from the state and applicant in identifying issues is critical for FEMA to complete the environmental review process in a timely, efficient manner. Failure to identify existing environmental issues could result in delays, loss of funding, and legal action.

What does environmental compliance mean for the public?

The public can feel confident that as FEMA carries out its disaster relief mission we will make vigorous efforts to protect and enhance the community and the environment. We want to see that the local environmental resources that haven't already been adversely affected by the disaster aren't further damaged in the recovery efforts. We also count on the public to help us integrate environmental considerations into the actions of FEMA and its State and local government partners. We strive to involve the affected public while carrying out our

mission. To solicit public involvement, we ask that communities involve their citizens in project planning and we provide environmental review documents are available for public review in affected communities through public notices.

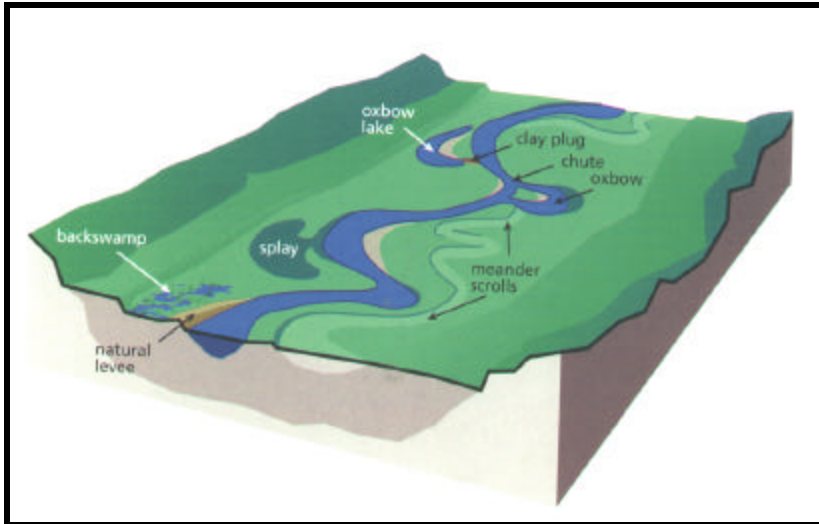
If you have a concern with a FEMA funded or assisted project please contact the point of contact listed for that project. If you are unsure whom to contact please contact the Regional Environmental Officer in our Regional office responsible for the affected State. See the list of contacts in Contact section at the end of this booklet.

Individual disaster victims do not need worry about the majority of environmental requirements as they recover. This booklet is targeted to state and local governments. FEMA does work with State and local governments to coordinate the provision of general information to the public regarding environmental hazards after a disaster, proper disposal of debris, and other useful measures the public can take to protect their health as well as the environment during their recovery from a disaster.

Integrating the Consideration of Environmental Impacts into the Design of Your Project

The most effective way to design a disaster mitigation or recovery project and to minimize controversy and time delay is for you to ensure that you have integrated the consideration of potential environmental impacts into your decision making and project design and have pursued alternatives where impacts are likely. Environmental considerations are most easily integrated in the early design phases of a project. It is not only easier to avoid impacts at this stage; it is also easier to identify opportunities for environmental enhancements.

Another important thing that States and FEMA are looking for from project applicants are accurate project descriptions, including the size, location and nature of each element, and information on the environmental impacts, and how you have considered these environmental issues in your project design and avoided impacts as much as possible.



Whenever FEMA is considering whether to provide financial assistance to governmental or non-profit entities, our programs request information on the environmental, historic, and archeological resource impacts and the effects on low income or minority populations that may result from the implementation of the proposed project. The better the information that is provided, the more effectively the State and FEMA can work with you to expedite the review of your project. For projects that affect the built or natural environment in a very limited way, applications may need only basic information. Other projects that involve changes to things such as, but not limited to, buildings, facilities, infrastructure, vegetation removal, work in waterways or wetlands, or ground disturbance may require more detailed and thorough information on resources in the area and potential impacts.

You should contact your State and/or FEMA program contact before conducting any detailed assessments or fieldwork.

Backup data/references and a narrative discussing the effects are often essential for an evaluation of environmental issues and impacts to provide meaningful input to the planning process.

Potential Environmental Concerns

Most Common Concerns	Biologic Resources
<ul style="list-style-type: none"> • Historic Structures • Archeological Resources • Wetlands • Threatened and Endangered Species • Hydrology/Hydraulic 	Vegetation clearance Plant and animal habitat Wilderness areas Specially designated natural areas (natural heritage areas) Unique ecosystems Fisheries Habitat fragmentation
Other Concerns Geology/Soils Slope Stability Erosion and sedimentation control Unique land features Seismic hazards/liquefaction Prime and important farmland Water Resources Stream flow/channel alteration Groundwater Floodway alterations Water quality Wild and Scenic Rivers American Heritage Rivers Climate and Air Energy efficiency Forest and wildfire Air quality	Socio Economic Issues Housing effects Low income and minority Elderly/young populations Water/waste water availability Noise/odor/vibration Traffic impacts Health and safety Consistency w/ land uses Employment/economic base Visual impacts Hazardous Materials Underground Storage Tanks Previous commercial/ind uses Hazardous building materials Hazardous waste sites

Compliance with Federal Laws and Executive Orders Assisting FEMA with Its Environmental Responsibilities

Federal Laws and Executive Orders provide the basis and direction for the implementation of environmental responsibilities for FEMA funded or assisted programs and projects. Some of these laws also apply to non-federal actions independently, regardless of federal funding involvement. Your help in anticipating these requirements, designing projects to address the requirements or avoid problem areas, and gathering necessary information can greatly aid FEMA in streamlining the environmental review of actions for which you are seeking FEMA assistance.

Important – Most of the federal environmental laws require that the federal funding agency approve a project's environmental review before it can be implemented. DO NOT implement any elements of your project without first receiving authorization from your State and FEMA – this could jeopardize funding for the entire project.

In general, you can help expedite the environmental portion of your project review by including any or all of the following existing documents in your project application. These will help the reviewers screen your project and aid them in making expedited decisions as to what laws may or may not apply.

- A clearly written description project scope of work for the entire project, including any elements not federally funded or not funded by FEMA, that are likely to be done as part of the project in the foreseeable future. Include any maps, studies, plans, drawings, sketches, schematics, etc., as may be available, to help understand the entire project. Clearly identify changes in footprints, ground disturbance and areas of previously undisturbed ground. Be sure to include areas for construction access and staging areas in the project description. For more complex projects or projects with substantial impacts viable alternatives should be described.
- Photos as required showing the proposed project area in the context of its surroundings. If the project is a building, show all sides of the entire building (at least from opposite corners), and the context of the building in it's setting including the surrounding buildings and grounds. If the project is in a rural area, show the project site in the foreground with the surroundings in all four directions in the background.
- Location maps (e.g., USGS maps, or other suitable maps), as necessary to show the project in the context of its surroundings. For projects in rural areas or for projects with ground disturbing activities, USGS maps are required

Below is a primer on the environmental laws and Executive Orders that are most commonly encountered and the types of information that you can provide FEMA to expedite compliance with these laws and Executive Orders. This information will depend on the complexity of the project and potential for impacts. Consult your State or program contact before embarking on any substantial efforts or assessments.

National Environmental Policy Act (NEPA), 1970

Description and Intent

Congress passed the National Environmental Policy Act (PL 91-190), or NEPA, in 1970. NEPA is a federal law that established a national policy for the protection and maintenance of the environment. NEPA provides a broad planning process that requires all federal agencies to ensure that:

- The federal agency has considered the effects of their actions (any action involving federal funding or assistance) on the environment BEFORE deciding to fund and implement a proposed action.
- Environmental information is made available to other public officials and citizens before agency decisions are made and before actions are taken.

Administering Agencies

Each agency passes its own regulations to guide its implementation of the Act. The President's Council on Environmental Quality (CEQ) provides oversight and guidance to each agency as it implements the Act.

Implementing Regulations

FEMA's Regulations at 44 CFR Part 10, Environmental Considerations; Council on Environmental Quality Regulations at 40 CFR Part 1500-1508

Summary of Requirements

NEPA directs federal agencies to thoroughly assess the environmental consequences of "major federal actions significantly affecting the environment." A comprehensive environmental planning and public involvement process is undertaken to prepare an Environmental Impact Statement (EIS) to document those actions that have significant effects on the environment.

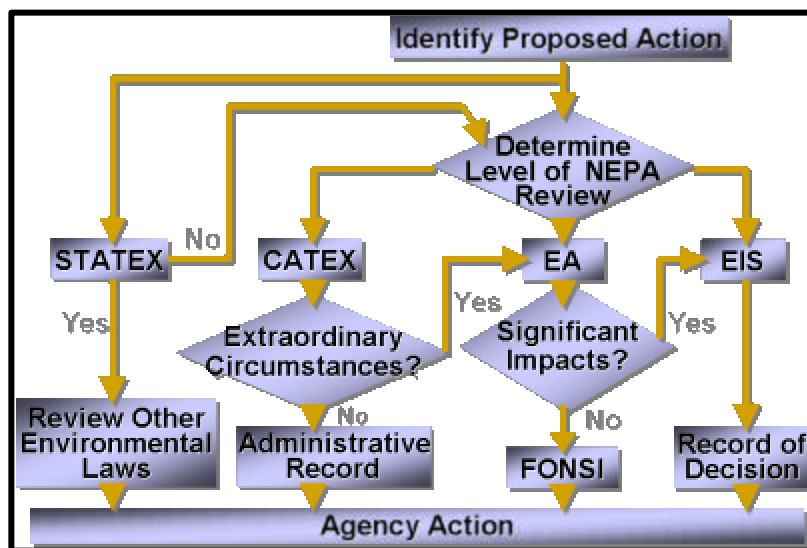
It is recognized that many actions do not have significant environmental effects and thus there are two other levels of review and documentation under NEPA. These are the Categorical Exclusion (CATEX) and the Environmental Assessment (EA). As determined through an agency's experience, a class of actions has been shown to have no significant impacts. These actions can be classified as Categorical Exclusions, or CATEX for short. These are defined specifically for FEMA in its regulations at 44 CFR, Part 10.8. While the

projects that meet the CATEX criteria are excluded from detailed review under NEPA, they must still be scrutinized for extraordinary circumstances that might void their exclusion. There is a review process applied to these projects to ensure they fall within the scope of the CATEX and do not contain any extraordinary circumstances that would require more in-depth NEPA review

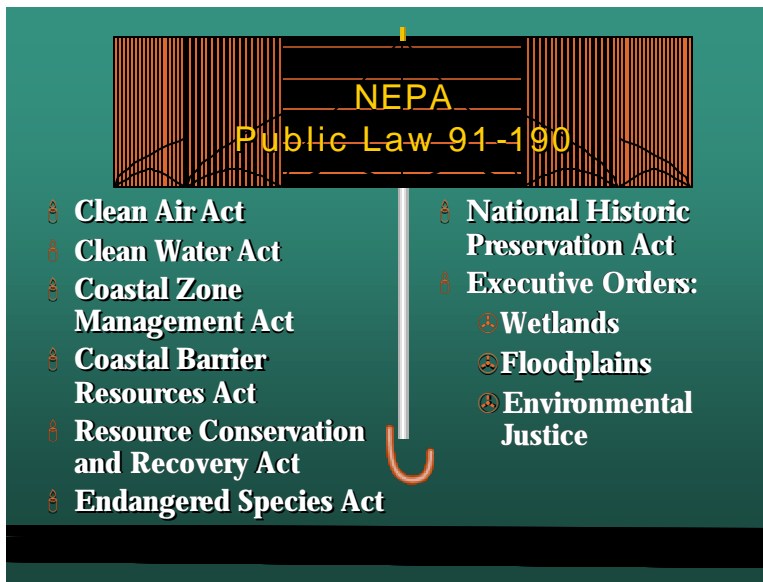
In addition to the CATEX, there is a class of actions that has been specifically excluded by Congress from all review under NEPA. These are referred to as Statutory Exclusions. This exclusion only applies to certain emergency and repair projects funded by FEMA under certain authorities. Remember that all other laws continue to apply to these types of projects.

For those projects that are not excluded by either of the above means, an assessment is required in order to determine if there are significant impacts. The assessment process for this is documented in an environmental assessment (EA). If the outcome of the EA determines that there are likely to be significant effects, then the rigorous planning, evaluation, and public involvement process of an EIS is undertaken. If the EA finds that there are no significant effects, a document called a Finding of No Significant Impact (FONSI) is prepared, and the project may proceed as long as any environmental mitigation measures identified are implemented.

The flow chart below graphically represents the NEPA administrative process and documentation



NEPA and Other Laws



Since the purpose of NEPA is to take into account the effects of federally funded or supported actions on various environmental resources, there are a number of other federal environmental laws and Executives Orders (E.O.) that can be conveniently incorporated into the NEPA process. Much of the research, planning processes, and consultation that occur under these other laws can take place at the same time as the evaluation and assessment is taking place for the NEPA document, thus not duplicating data collection and analysis. It is highly recommend, and in some cases required, to document compliance with other federal laws and executive orders in the NEPA document. All other laws must be fully complied with – completion of NEPA review does not fulfill specific legal requirements of other laws. The most common other federal laws and executive orders FEMA complies with are outlined below.

National Historic Preservation Act (NHPA), 1966 as amended (1992)

Description And Intent

One important component of the NHPA directs federal agencies to take into account the effect of any undertaking [a federally funded or assisted project] on historic



properties. "Historic property" is any district, building, structure, site, or object that is eligible for listing in the National Register of Historic Places because the property is significant at the national, state, or local level in American history, architecture, archeology, engineering, or culture. Typically, a historic property must be at least 50 years old and retain integrity.

Administering Agencies

The NHPA is administered by the U.S. Department of the Interior, National Park Service (NPS) and the Advisory Council on Historic Preservation (Council). The NHPA is also implemented through State Historic Preservation Officers (SHPOs) in each state and territory, Tribal Historic Preservation Officers (THPOs) where tribal lands are affected, and through Federal Preservation Officers in each federal agency.

Key Implementing Regulations

36 CFR Part 800: Regulations of the Advisory Council on Historic Preservation Governing the NHPA Section 106 Review Process.

53 FR 472746 (February 17, 1988), "Guidelines for Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act."

Summary Of Requirements

Before approving or carrying out a federal, federally assisted, or federally licensed undertaking Section 106 of the NHPA requires federal agencies to take into consideration the impact that the action may have on historic properties. Section 106 also requires that federal agencies provide the Council with the opportunity to comment on the undertaking.

FEMA, in coordination with the SHPO/THPO and other consulting parties, must identify historic properties that may be affected by the proposed project and assess adverse effects of the actions. FEMA must then obtain concurrence from the SHPO/THPO on the eligibility of the identified historic properties and the effects to them. If there are adverse effects, FEMA, in cooperation with the subgrantee and Grantee, enters into consultation with the SHPO/THPO and other consulting parties on ways to avoid or treat adverse effects to historic properties and develops a project-specific memorandum of agreement with the SHPO that outlines the agreed upon treatment measures.

Responsibility for compliance with NHPA lies with the federal agency funding the project or action, which in this case is FEMA. However, there may be Programmatic Agreements executed for certain disasters or in specific States that substitute a more streamlined review process in place of Section 106. In any case, subgrantees and grantees assist FEMA in carrying out responsibilities under the Act, as appropriate.

Suggested Information to Aid in Project Review

- Documentation of the year(s) of construction for the original facility and any additions or modifications on the existing facility (building permit records, tax records, newspaper accounts, architectural drawings, etc.) if readily available.
- Copies of any available plans, site plans, etc., for the existing facility as well as documentation of any changes made since the original construction.
- Plans showing the limits of proposed excavations or other ground-disturbing activities (compression, grading, excavation, drilling, etc.) associated with the project.
- Topographic maps and location maps, if applicable, showing the project within local, state, or national historic districts.
- Historic properties including those listed on or eligible for listing on the National Register of Historic Places, National Historic Landmarks, or those on State or local registers within the project area or within view of the project site.
- Any existing cultural resource surveys or reports describing the architectural/historic significance of the properties that exist within the project area or potentially affected by the project.
- Documentation of coordination with the SHPO.

Endangered Species Act (ESA), 1973



Description and Intent

The purpose of the Endangered Species Act (ESA) is to ensure that federal agencies and departments use their authorities to protect and conserve endangered and threatened species. Section 7 of the Act requires that federal agencies prevent or modify any projects authorized, funded, or carried out by the agencies that are "likely to jeopardize the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of critical habitat of such species."

Under Sections 9 and 10 of the Act, non-federal entities, governments and private citizens, even without involvement of a federal agency, also must avoid adversely affecting threatened or endangered species. Where adverse impacts cannot be avoided State and local governments and private land owners must develop Habitat Conservation Plans in coordination with the US Fish and Wildlife Service or National Marine Fisheries Services to reduce conflicts between listed species and development activities and these plans must meet the requirements of Section 10 of the Act.

Administering Agencies

The ESA is administered by the U.S. Department of Interior through the Fish and Wildlife Service (FWS) and the U.S. Department of Commerce through the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration.

Implementing Regulations

50 CFR Part 402: Department of Interior and Department of Commerce procedures for implementing Section 7.

50 CFR Parts 450, 451, 452, and 453: Department of Interior and Department of Commerce rules for applying for Endangered Species Act exemptions and Endangered Species Committee consideration of such applications.

Summary Of Requirements

Federal agencies must review actions they undertake or support to determine whether they may affect endangered species or their habitats. If such review reveals the potential for effects, the federal agency must consult with the FWS or NMFS, as appropriate.

Consultation is carried out for the purpose of identifying whether a federal action is likely to jeopardize the continued existence of the endangered or threatened species or adversely affect its critical habitat. If FWS or NMFS determines that a proposed action would likely have this negative impact, then the project must be stopped unless the consulting parties can agree on alternatives to eliminate jeopardy. If there are no feasible alternatives that can be carried out, the action agency may apply for an exemption with the Endangered Species Committee.

Developers, local governments, and private citizens cannot adversely impact, take or commercially trade endangered or threatened species without threat of criminal penalties.

Suggested Information to Aid in Project Review

- Documents (e.g., Biological Assessment, initial study, Data Base Report, and environmental impact assessment) evaluating potential effects of the project activities on biological resources.
- States species lists identifying endangered, threatened, or otherwise protected species potentially affected by the proposed project.
- Documentation of coordination with other agencies (e.g., USFWS, State F&G, State Natural Heritage Program, etc.), including studies and reports and recommendations.

Fish and Wildlife Coordination Act (FWCA), 1956



Description And Intent

The Fish and Wildlife Coordination Act (FWCA), as amended in 1964, was enacted to protect fish and wildlife when federal actions result in the control or modification of a natural stream or body of water. The statute requires federal agencies to take into consideration the effect that water-related projects would have on fish and wildlife resources; take action to prevent loss or damage to these resources; and provide for the development and improvement of these resources.

Administering Agencies

The FWCA is administered by the Department of Interior through the FWS and the Department of Commerce through the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS).

Implementing Regulations

None

Summary Of Requirements

To comply with the requirements laid out in the statute, federal agencies must first determine whether a proposed activity will result in the control or modification of a body of water. Typical actions that would fall under the jurisdiction of the Act include:

- discharges of pollutants including industrial, mining, and municipal wastes or dredged and fill material into a body of water or wetlands;
- projects involving construction of dams, levees, impoundments, stream relocation, and water-diversion structures.

If a project to be constructed, licensed or permitted by a federal agency would involve any of these activities or any other activity resulting in the control or modification of any water body for any purpose, then the federal agency must consult with the FWS (and NMFS, as appropriate) in order to develop measures to mitigate project-related losses of fish and wildlife resources.

The statute requires consultation with the FWS (or NMFS, as appropriate) and the fish and wildlife agency(s) of any affected state(s) to develop measures to protect, develop, and improve wildlife. Any reports or decision-making documents subsequently prepared by the action agency must include the recommendations of the FWS and affected state(s) for protecting fish and wildlife. Where possible, the action agency must incorporate the recommendations in the project plans. The constructing, licensing, or permitting federal agency is to include in the project plans such justifiable means and measures as it finds should be adopted to obtain maximum overall project benefits.

Suggested Information to Aid in Project Review

- Detailed plans and studies for the control or modification of a natural stream or body of water.
- Detailed maps, studies and reports documenting the project scope and surrounding areas including construction of dams, beams, impoundments, stream relocation, and water-diversion structures.
- Detailed descriptions and related studies and reports of proposed discharges of pollutants including industrial, mining, and municipal wastes or dredging and fill material into a body of water or wetlands.
- Recommendations of the USFWS and affected state(s) agency(s) for protecting game and non-game fish and wildlife and their habitat.
- Documentation of coordination with other agencies (e.g., USFWS, NMFS, State Fish and Game etc.), including studies and reports and recommendations.

Clean Water Act (CWA), 1948 as amended 1966, 1972, Section 10 Rivers and Harbors Act (RHA), 1899

Description and Intent

The legislative origins of the Department of the Army regulatory program are the Rivers and Harbors Acts of 1890 and 1899. Various sections establish permit



requirements to prevent unauthorized obstruction or alteration of any navigable water of the United States. The most frequently exercised authority is contained in Section 10 (33 U.S.C. 403) which covers construction, excavation, or deposition of materials in, over, or under such waters, or any work which would affect the course, location, condition or capacity of those waters. Actions requiring Section 10 permits include structures (e.g. piers, wharfs, breakwaters, bulkheads, jetties, weirs, transmission lines) and work such as dredging or disposal of dredged material, or excavation, filling or other modifications to the navigable waters of the United States. The Coast Guard also has responsibility for permitting the erection or modification of bridges over navigable waters of the U.S.

In 1972, amendments to the Federal Water Pollution Control Act added what is commonly called Section 404 authority (33 U.S.C. 1344) to the regulatory program. The Secretary of the Army, acting through the Chief of Engineers, is authorized to issue permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into waters of the United States. The Federal Water Pollution Act was amended and given the common name of the Clean Water Act.

Waters of the United States includes:

- 1- All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide;
- 2- All interstate waters including wetlands;
- 3- All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, wetlands, sloughs, prairie potholes, wet

meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce;

- 4- All impoundments of waters otherwise defined as waters of the United States under this definition;
- 5- tributaries of waters identified in this section;
- 6- the territorial sea; and
- 7- wetlands adjacent to waters identified above

Administering Agencies

U.S. Army Corps of Engineers, Section 10 and Section 404

U. S Coast Guard for Bridge Permits

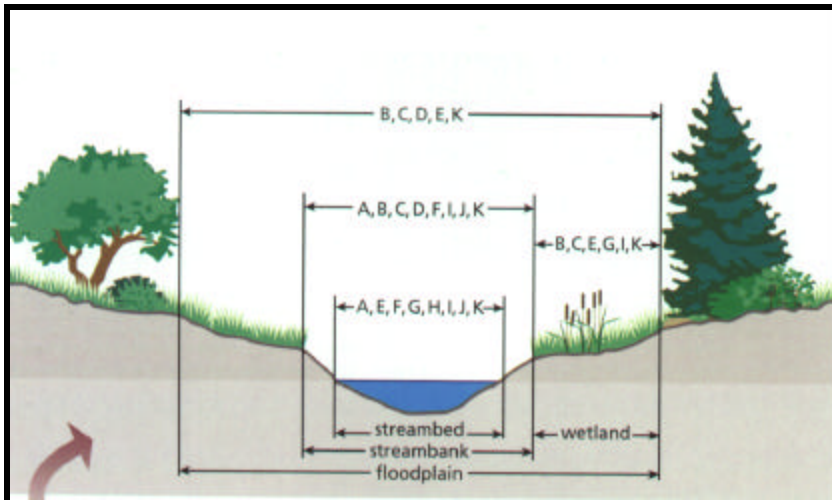
Summary of Permits Required Under CWA and RHA

Permits Required			Activities Covered	Administered By
Section 10, Rivers and Harbors Act of 1849			Building of any structure in the channel or along the banks of navigable waters of the U.S. that changes the course, conditions, location or capacity	U.S. Army Corps of Engineers
Section 404, Federal Clean Water Act	Letters of Permission		Minor or routine work with minimum impacts	U.S. Army Corps of Engineers
	Nation-wide Permits	3	Repair, rehabilitation, or replacement of structures destroyed by storms, fore, or floods in past 2 years	
		13	Bank stabilization less than 500 feet in length solely for erosion protection	
		26	Filling of up to 1 acre of a non-tidal wetland or less than 500 linear feet of a non-tidal stream that is either isolated from other surface waters or upstream of the point in a drainage network where the average annual flow is less than 5 cfs	
		27	Restoration of natural wetland hydrology, vegetation, and function to altered and degraded non-tidal wetlands, and restoration of natural functions of riparian areas on private lands, provided a wetland restoration or creation agreement has been developed	
	Regional Permits		Small projects with insignificant environmental impacts	
	Individual Permits		Proposed filling or excavation that causes severe impacts, but for which no practical alternative exists; may require an environmental assessment under NEPA	
Section 401, Fed Clean Water Act			Water quality certification	State agencies
Section 402, Fed Clean Water Act, National Pollution Discharge Elimination System (NPDES)			Point source discharges, was well as non-point discharges	State agencies

Aside from the Clean Water Act and the Rivers and Harbors Act, in many states there are several permitting requirements associated with wetlands, or work in streams, along stream banks, or in floodplains. You should check with your

state and local authorities regarding these requirements before undertaking any work in these areas.

Sample Requirements for Work in Montana Wetlands, Waterways, and Floodplains



Permit	Agency
A State Stream Protection Act	Montana Fish, Wildlife & Parks
B Storm Water Discharge General Permits	Dept of Environmental Quality
C Streamside Management Zone Law	Dept of Natural Resources and Conservation
D Montana Floodplain and Floodway Management Act	Dept of Natural Resources & Conservation
E Short-term Exemption from Montana's Surface Water Quality Standards (3a)	Dept of Environmental Quality
F Montana Natural Streambed and Land Preservation Act (310)	Montana Association of Conservation Districts and Dept of Natural Resources & Conservation
G Montana Land-use License or Easement on Navigable Waters	Dept of Natural Resources & Conservation
H Montana Water Use Act	Dept of Natural Resources & Conservation
I Federal Clean Water Act (Section 404)	U. S. Army Corps of Engineers
J Federal Rivers and Harbors Act (Section 10)	U. S. Army Corps of Engineers
K Other laws that may apply depending upon your location and activity	Various agencies

Suggested Information to Aid in Project Review

- Detailed descriptions and related studies and reports of proposed disturbances or discharges into bodies of water or wetlands. Disturbances include clearing, grading, dredging, cutting or filling, etc. Discharges include storm water, wastewater, pollutants, etc.
- Documents (e.g., Initial Study, and Environmental Impact Statement) evaluating potential effects of the project activities on water resources.
- Document best management practices to be used for erosion and sediment control.
- Documentation of coordination with other agencies (e.g., USACE, USEPA, State DNR or EPA or DEP, etc.), including studies and reports and recommendations.

Wild and Scenic Rivers Act (WSRA), 1968

Description And Intent

The purpose of the Wild and Scenic Rivers Act (WSRA) is to preserve the free-flowing state of rivers that are listed in the National Wild and Scenic Rivers System (System) or under study for inclusion in the System because of their outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. Rivers in the System are classified as wild river areas, scenic river areas, or recreational river areas. The WSRA establishes requirements applicable to water resource projects and protects both the river, or river segments, and the land immediately surrounding them.

Administering Agencies

The Department of the Interior (through the NPS, BLM and FWS) and the Department of Agriculture (through the Forest Service (FS)) manage wild and scenic rivers within their jurisdiction and conduct the necessary studies to include additional rivers or river components into the System. Under Section 2(a) of the Act, states may also propose rivers to the System and manage them.

Implementation Regulations

36 CFR Part 297, Subpart A: Wild and Scenic Rivers. The Department of Agriculture's procedures for addressing water resources projects affecting wild and scenic rivers within its jurisdiction.

Guidelines entitled "National Wild and Scenic Rivers System, Final Revised Guidelines for Eligibility, Classification and Management of River Areas", issued jointly by the National Park Service and the Forest Service and published in the Federal Register on September 7, 1982.

Summary Of Requirements

Section 7 of the WSRA specifically prohibits federal agencies from providing assistance for the construction of any water resources projects that would adversely affect wild and scenic rivers. Assistance may be in the form of a loan, grant, or license. A water resources project is defined as a dam, water conduit, reservoir, powerhouse, transmission line, discharge to waters, or development project that would affect the free-flowing characteristics or scenic, recreational, fish and wildlife values of a wild and scenic river or study river. The Act does not prohibit licensing or assisting development below or above a designated river or on tributary streams so long as the development does not invade the designated river area or unreasonably diminish the values for which the river was designated.

Before authorizing a project that may affect a wild and scenic river, a federal agency must notify either the NPS or the FS, as appropriate, of its intentions at least sixty days in advance of the planned action. The administering agency will either consent to the proposal or deny it based on whether or not the project would adversely affect the values for which the river was designated. If consent is denied, the administering agency may recommend measures to eliminate adverse effects and the authorizing agency may submit revised plans for consideration. No proposal can proceed without the consent of the administering agency. Also, no structures affecting the free-flowing nature of the designated river can be constructed without the consent of Congress.

Suggested Information to Aid in Project Review

- Detailed plans and studies for the construction of any water resource project (e.g., dam, water conduit, reservoir, powerhouse, transmission line, discharge to waters, or other development project).

- Detailed maps, studies and reports documenting the project scope and surrounding areas including scenic, recreational, geological, fish and wildlife, cultural, historic, or special areas.
- Documentation of coordination with other agencies (e.g., NPS, BLM, USFWS, USFS, etc.), including studies and reports and recommendations.

Coastal Zone Management Act (CZMA), 1972

Description And Intent

The Coastal Zone Management Act (CZMA) encourages the management of coastal zone areas and provides grants to be used in maintaining



coastal zone areas. It requires that federal agencies be consistent with the enforceable policies of state coastal zone management programs when conducting or supporting activities that affect a coastal zone. It is intended to ensure that federal activities are consistent with state programs for the protection and, where possible, enhancement of the nation's coastal zones. As defined in the Act, the coastal zone includes coastal waters extending to the outer limit of state submerged land title and ownership, adjacent shorelines and land extending inward to the extent necessary to control shorelines. The coastal zone includes islands, beaches, transitional and intertidal areas, salt marshes, etc.

Administering Agency

The CZMA is administered by the Department of Commerce through its Office of Ocean and Coastal Resource Management, and the National Oceanic and Atmospheric Administration (NOAA).

Implementing Regulations

15 CFR 930 Subpart D: National Oceanic and Atmospheric Administration regulations on federal consistency.

15 CFR Part 923: National Oceanic and Atmospheric Administration regulations regarding program development and operation.

Summary Of Requirements

The CZMA requires that States develop a State Coastal Zone Management Plan or program and that any federal agency conducting or supporting activities affecting the coastal zone conduct or support those activities in a manner that is consistent with the approved state plan or program.

To comply with the CZMA, the federal agency must identify activities that would affect the coastal zone, including development projects. If an activity would affect the coastal zone, the federal agency must review the state coastal zone management plan to determine whether the activity would be consistent with the plan and then notify the state of its determination. Federal agencies must prepare a written consistency determination which includes: a detailed description of the action, its associative facilities, and coastal zone effects; a brief statement on how the activity would be consistent with the state coastal zone management plan; and data to support the consistency determination. Copies of state management plans may be obtained from the coastal commission of each state.

States are required to respond to consistency determinations. If the appropriate state agency disagrees with the determination, it will respond with its reasons for disagreeing along with supporting documentation and recommend alternatives that can be undertaken to allow the activity to proceed consistent with the management program.

If a conflict arises between the state and the federal agency over how a federal undertaking should proceed, there are several approaches that can be taken to resolve the conflict including: informal discussions between the parties with the assistance of NOAA, if requested; mediation by the Secretary of Commerce with public hearings; and judicial review.

Federally licensed and permitted activities and federal financial assistance to state and local governments which affect the coastal zone are also subject to federal consistency provisions. The applicant for a federal license, permit or financial assistance must attach; consistency certification issued by the state coastal agency before the federal agency can approve a license or permit or grant financial assistance. If the state objects to a license permit or financial award, the applicant can appeal this decision to the Department of Commerce on the grounds that the proposal is consistent with the objectives or purposes of the

Coastal Zone Management Act or is necessary in the interest of national security.

Suggested Information to Aid in Project Review

- Detailed maps, studies and reports documenting the project scope and surrounding areas as related to coastal zones (e.g., beaches, islands, transitional and intertidal zones, salt marshes, estuaries, etc.). Include any land extending inward to the extent necessary to control shorelines.
- Documentation of compliance and consistency with state coastal management programs and plans.
- Documentation of coordination with state and federal agencies (e.g., NOAA, Office of Ocean and Coastal Resource Management, USFWS, State Coastal Zone Management Agency, etc.) including studies and reports and recommendations.

Executive Order 11988, Floodplain Management, 1977

Description And Intent



Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, "each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities" for the following actions:

- acquiring, managing, and disposing of federal lands and facilities;
- providing federally-undertaken, financed, or assisted construction and improvements;
- conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities.

Administering Agency

Each federal agency is responsible for preparing implementing procedures for carrying out the provisions of the Order. Federal Agencies consult with FEMA concerning implementation of this EO.

Implementing Procedures

FEMA's Regulations at 44 CFR Part 9: Floodplain Management and Protection of Wetlands. On February 10, 1978, the Water Resources Council issued "Floodplain Management Guidelines" (40 FR 6030) to aid other federal agencies in amending their regulations and procedures to comply with the Order. In 1987, the Federal Emergency Management Agency and the Interagency Task Force on Floodplain Management issued "Further Advice on EO 11988 Floodplain Management".

Summary Of Requirements

The guidelines address an eight-step process that agencies should carry out as part of their decision-making on projects that have potential impacts to or within the floodplain. The eight steps, which are summarized below, reflect the decision-making process required in Section 2(a) of the Order.

1. Determine if a proposed action is in the base floodplain (that area which has a one percent or greater chance of flooding in any given year).
2. Conduct early public review, including public notice.
3. Identify and evaluate practicable alternatives to locating in the base floodplain, including alternative sites outside of the floodplain.
4. Identify impacts of the proposed action.
5. If impacts cannot be avoided, develop measures to minimize the impacts and restore and preserve the floodplain, as appropriate.
6. Reevaluate alternatives.

7. Present the findings and a public explanation.
8. Implement the action.

Among a number of things, the Interagency Task Force on Floodplain Management clarified the EO with respect to development in flood plains, emphasizing the requirement for agencies to select alternative sites for projects outside the flood plains, if practicable, and to develop measures to mitigate unavoidable impacts.

Suggested Information to Aid in Project Review

- Detailed maps (e.g., FIRM, FBFM, FHBM, State designated floodway maps, etc.) defining floodplain and/or floodway boundaries within the project area.
- Studies and reports (e.g., flood elevations and velocities, etc.) documenting the project scope and surrounding areas as related to the occupancy or modification of floodplains including direct and indirect effects.
- Documentation of compliance and consistency with federal, state, tribal, county and local floodplain management programs and plans.
- Documentation of any Public Notices or public meetings.
- Documentation of coordination with other agencies (e.g., USACE, NRCS, USBLM, USBR, NFIP, DWR, etc.) including studies and reports and recommendations.

Executive Order 11990, Protection of Wetlands, 1977

Description And Intent

The purpose of Executive Order 11990 is to "minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands". To meet these objectives, the Order requires federal agencies, in planning their actions, too consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. The Order applies to:



- acquisition, management, and disposition of federal lands and facilities construction and improvement projects which are undertaken, financed or assisted by federal agencies;
- federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities.

Administering Agency

Each federal agency is responsible for preparing implementing procedures for carrying out the provisions of the Order.

Implementing Procedures

FEMA's Regulations at 44 CFR Part 9: Floodplain Management and Protection of Wetlands.

Summary Of Requirements

The procedures require the determination of whether or not the proposed project will be in or will affect wetlands. If so, a wetlands assessment must be prepared that describes the alternatives considered. The procedures include a requirement for public review of assessments. The evaluation process follows the same 8 steps as for EO 11988, Floodplain Management

Suggested Information to Aid in Project Review

- Detailed maps (e.g., USACE, USFWS National Wetlands Inventory Maps, etc.) defining wetland boundaries within the project area.
- Studies and reports (e.g., wetland survey maps and reports, flood elevations and velocities, etc.) documenting the project scope as related to the occupancy and modification of wetlands including direct and indirect effects.
- Documentation of compliance and consistency with federal, state, tribal, county and local floodplain management programs and plans.
- Documentation of any Public Notices or public meetings.
- Documentation of coordination with other agencies (e.g., USACE, NRCS, NFIP, State and Local Floodplain Managers, etc.) including studies and reports and recommendations.

Executive Order 12898, Environmental Justice for Low Income and Minority Populations, 1994

Description and Intent

On February 11, 1994, President Clinton signed E.O. 12898. This Executive Order directs federal agencies “to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.

Administering Agency

Each Agency is responsible for their implementation of the E.O.

Implementing Procedures

Environmental Justice, Guidance Under the National Environmental Policy Act. Council on Environmental Quality, Executive Office of the President, December 10, 1997

There are currently no implementing regulations.

Summary of Requirements

Each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health, environmental, economic and social effects of its programs, policies, and activities on minority populations and low-income populations, particularly when such analysis is required by NEPA. The EO and guidance emphasize the importance of NEPA’s public participation process, directing that each Federal agency shall provide opportunities for community input in the NEPA process. Agencies are further directed to identify potential effects and mitigation measures in consultation with affected communities.

The EO requires agencies to work to ensure effective public participation and access to information. Thus within its NEPA process and through other appropriate mechanisms, each Federal agency should, wherever practical and appropriate, translate crucial public documents, notices and hearings, relating to human health or the environment for limited English speaking populations.

Suggested Information to Aid in Project Review

- Documentation from other agencies (e.g., U.S. Census Bureau, State and State Regional, County and Local Planning and Development Agencies, etc.) including studies and reports and recommendations.
- Studies and reports (e.g., traffic, noise, dust, odor, hazardous and toxic materials, etc.) documenting the project scope and surrounding areas as related to low income and minority populations including direct and indirect effects.
- Census data and income information of affected populations (e.g., location of public housing, minority and low-income neighborhoods, etc.).

Other Common Environmental Laws

Besides the Acts and Executive Orders outlined above, there are other laws FEMA occasionally becomes involved in. Some of those laws include:

- Resource Conservation and Recovery Act (RCRA)
- Coastal Barrier Resource Act (CBRA)
- The Wilderness Act
- Farmland Protection Policy Act
- Archeological and Historic Preservation Act
- Executive Order 13007: Indian Sacred Sites
- Executive Order 13045: Protection of Children from Environmental Health Risks And Safety Risks

A full description of these can be found at <http://www4.law.cornell.edu/uscode/>

More information for integrating environmental considerations into disaster related activities

Resources, Tools and Links for Integrating Environmental Responsibilities

FEMA

FEMA's Home Page: www.fema.gov

Historic Preservation and Cultural Resources Program website: www.fema.gov/r-n-r/hpindex.htm

Region VI environmental site: www.fema.gov/Reg-VI/env/index.htm

Region VIII environmental site: www.fema.gov/Reg-VIII/env/

Region IX environmental site: www.fema.gov/reg-ix/env/

Region X environmental site: www.fema.gov/Reg-X/env_index.htm

FEMA Public Assistance Program Policies

National Environmental Policy Act:

www.fema.gov/r-n-r/pa/papd/73.HTM

National Historic Preservation Act: www.fema.gov/r-n-r/pa/papd/74.htm

Historic Preservation, Cultural Initiatives, Other Related Laws: www.fema.gov/r-n-r/pa/9500toc.htm

Endangered Species Act: www.fema.gov/r-n-r/pa/papd/39.HTM

Coastal Barriers Resources Act: www.fema.gov/r-n-r/pa/papd/15.HTM

FEMA Hazard Mitigation Grant Program Policies

Desk Reference: Section 8: Environmental Review: www.fema.gov/mit/unit8.pdf

Environmental Laws, Regulations and Guidance

National Archives and Records Administration, Code of Federal Regulations:

<http://www.access.gpo.gov/nara/cfr>

Legal Information Institute, U.S. Code: www4.law.cornell.edu/uscode

Other Environmental/Historic Preservation Agencies

Council on Environmental Quality, NEPA Net:

www.ceq.eh.doe.gov/nepa/nepanet.htm

Environmental Protection Agency: www.epa.gov

Environmental Protection Agency, Compliance Resources

www.citation.com/hpages/envlink.html

EPA: Office of Wetlands, Oceans, and Watersheds: www.epa.gov/OWOW/wetlands

Surf Your Watershed (EPA): www.epa.gov/surf

Fish and Wildlife Service: www.fws.gov

National Marine Fisheries Service: www.nmfs.gov/

National Park Service: www.nps.gov

National Register for Historic Places: www.cr.nps.gov/nr/

National Historic Landmark Program: www.cr.nps.gov/nhl/

Secretary of the Interior's Standards and Guidelines:

www2.cr.nps.gov/tps/secstan1.htm

Preservation Briefs: www2.cr.nps.gov/tps/briefs/presbhom.htm

Tribal Preservation Program: www2.cr.nps.gov/tribal/tribal_t.htm

Archeology and Ethnography Program

Native American Consultation Database: www.cr.nps.gov/aad/nacd

Bureau of Indian Affairs, List of Federally Recognized American Indian Tribes and Alaska Natives: www.doi.gov/bia/tribes/entry.html

Office of the American Indian Trust: www.doi.gov/oait

Tribal Historic Preservation Officers: www.achp.gov/thpo.html -OR-
www2.cr.nps.gov/tribal/thpo.htm

Advisory Council on Historic Preservation: www.achp.gov

Army Corps of Engineers: www.usace.army.mil/

U.S. Geological Survey: www.usgs.gov

USGS National Marine and Coastal Geology Program: www.marine.usgs.gov

USGS Water Resources Information Homepage: www.water.usgs.gov

National Water Quality Assessment Program:

www.water.usgs.gov/nawqa/nawqa_home.html

National Oceanic and Atmospheric Administration www.noaa.gov

U.S. Department of Agriculture, Forest Service Home Page www.fs.fed.us [with links to:]

- International Institute of Tropical Forests
- National Grasslands
- Forest Service Programs
- State and Private Forests
- Resource Management
- National Forest Management Act

The Morris K. Udall Foundation, U.S. Institute for Environmental Conflict Resolution: www.ecr.gov

Other Non-Federal Organizations

Local Government Environmental Assistance Network: www.lgean.org/

Heritage Preservation—National Task Force on Emergency Response:
www.heritagepreservation.org/PROGRAMS/taskfer.htm

National Trust for Historic Preservation: www.nthp.org/

The American Institute for Conservation of Historic and Artistic Works:
www.palimpsest.stanford.edu/aic/

The Getty Conservation Institute: www.getty.edu/gci/

National Conference of State Historic Preservation Officers : www.sso.org/ncshpo/

On-Line Databases and Mapping – Free info

Arcdata Online (ESRI) [Census data maps, floodplains, hazmat sites, etc. Click on “Arcdata On-line” on the side bar]: www.esri.com

Terra Server - Topographic maps and aerial photos for most of US:
www.terra-server.microsoft.com/default.asp

National Register of Historic Places Information System (National Park System):
www.cr.nps.gov/nr

National Wetlands Inventory (U.S. Fish and Wildlife) www.wetlands.fws.gov

Online Hazard Maps (ESRI and FEMA): www.esri.com/hazards

Landuse, landcover, soils, natural resources - Technical Resources/Data/Maps:
www.nrcs.usda.gov/TechRes.html

Natural Resources Inventory, Map and Data Links
www.nhq.nrcs.usda.gov/land/index/nri97maps.html#maps

Tools and General Environmental Information

Sustainable Development: www.sustainable.doe.gov

**Stream Corridor Restoration – Principles, Processes, Practices – Interagency
Stream Corridor Restoration Working Group:**
www.usda.gov/stream_restoration/

Wild and Scenic Rivers Tool Kit: www.americanrivers.org/

National Wetlands Research Center: www.nwrc.gov

Environmental Management Technology Center: www.emtc.nbs.gov/epa_iwmp.html

Inland Waterways Spill Response Mapping: www.wes.army.mil/el/wrtc/wrp/wrp.html

ACOE Regulatory Program: www.usace.army.mil/inet/functions/cw/cecwo/reg

Natural Heritage Network: www.abi.org

Catalog of Federal Domestic Assistance (CFDA): www.gsa.gov/fdac/

Catalog of Federal Funding Sources for Watershed Protection:
www.epa.gov/owowwtr1/watershed/wacademy/fund/html#contents

EPA Finance Page: www.epa.gov/epahome/finance.htm

Conservation Assistance Tools: www.sonoran.org/cat/default.asp

American Heritage Rivers Catalog of Success: www.epa.gov/rivers/services

Enhancing Water Resources: www.livablecommunities.gov/toolsandresources/

**Directory of Funding Sources for Grassroots River and Watershed Conservation
Groups:** www.rivernetwork.org/rnpublic.htm#dfund

Contacts

FEMA has an environmental contact, the Regional Environmental Officer, within each of its regional offices, as well as an Agency Environmental Officer in Washington, DC.



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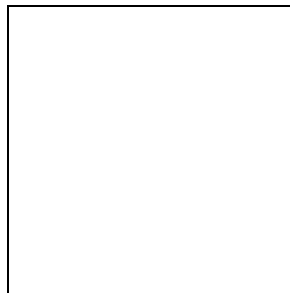
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Disaster Recovery is available without regard to race, color, national origin, sex, age, religion, disability, or economic status. Anyone who believes he/she has been discriminated against should contact the FEMA Helpline at:

1-800-525-0321

